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George E. Pataki  
Governor

2005 JAN 17 10:10:28



Teresa A. Santiago  
Chairperson and Executive Director

State of New York  
EXECUTIVE DEPARTMENT  
**STATE CONSUMER PROTECTION BOARD**

5 Empire State Plaza, Suite 2101 Albany, New York 12223-1558  
Tel: (609) NYS-1220 or (518) 474-6663 Fax: (518) 486-3938  
<http://www.nysconsumer.gov>

January 12, 2005

National Highway Traffic Safety Administration  
400 7th Street, SW  
Washington, D.C. 20590

File No.: 20050108-170128-Web  
Re: Daimler Chrysler Motors Co LLC\*\*

Dear Sir/Madam:

Enclosed please find a consumer complaint received by the New York State Consumer Protection Board (CPB). Because this matter appears to fall within your jurisdiction, we are forwarding it to you for your review and action.

As a part of our mediation and settlement process, the CPB maintains a database of all complaints that are filed with the agency. In order to ensure the accuracy of our records, we ask that you please provide us with a copy of any correspondence that leads to the closure of this dispute. Should you need further information or wish to report on the resolution of this case please include the file number referenced above.

Thank you for your assistance.

Sincerely yours,

Georgeann Stevenson  
Consumer Advisor

cc:

New York, NY

Juanita  
1/24/05

2002 SECOND AVENUE #803  
NEW YORK, NY 10035  
Phone: 212.867.0284



# Fax

To: CONSUMER ASSISTANT UNIT	From:
Fax: 516.486.3836	Date: January 12, 2005
Phone:	Pages: 30
Re:	CC:
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

Comments: The following are supporting documents of the complaint I submitted online on 1/9/05.

# New York State Consumer Protection Board

## CPB Electronic Complaint Form

### Before You Begin

*Be sure you have made a sincere effort to settle your complaint directly with the company by contacting the owner, manager, or someone else in authority.*

*Complaints already the subject of a lawsuit or other legal process are not handled by the CPB.*

*The company will receive a copy of this complaint.*

*Please be sure that your statement is complete and factual, but as brief as possible.*

*Remember, we will*

*attempt to help you and the company reach a satisfactory settlement, but we cannot force an adjustment.*

Items marked with an asterisk(\*) are Required.

### Consumer Information

*The CPB may need to contact you if there is missing or incomplete information on this form, and to notify you of any further action taken. Please be sure to provide us with a way to reach you.*

Title:  Mr.  Ms.  Mrs. Date of Birth: \_\_\_\_\_ (Optional)

\*Last Name: \_\_\_\_\_ \*First Name: \_\_\_\_\_

\*Address: \_\_\_\_\_

\*City:  \*State:  \*Zip Code: \_\_\_\_\_

County:

\*Phone Number (day): \_\_\_\_\_ Extension:

Phone Number (eve.): \_\_\_\_\_ Fax Number:

Email Address: \_\_\_\_\_

**Company Complaining Against****\*Company  
Name:**

DaimlerChrysler

**Address:**

212-19 Northern Blvd

**City:**

Bayside

**State:** NY**\* Zip  
Code:**

11361

**Required  
Entry****County:****Phone  
Number:**

718-229-8700

**Complaint Information**

*Not all fields shown here may be relevant to your complaint. Please fill in appropriate information. You MUST enter a description of the complaint.*

**Date problem first occurred: (MM/DD/YYYY)** 10-18-2004**Date(s) you complained to Company:** 10-16-2004**To Whom:** Reph - service rep**Cost & Name of Product or Service involved:****Brand Name or Manufacturer:** Dodge Durango**Model Name or Number:** SLT**Date Purchased:** 4-22-2004**Order, Contract, Acct. or  
Policy #:****Name of Salesperson:** Chris Fontana**\*DESCRIPTION OF COMPLAINT: Limit to 750 characters**

On Oct. 16, 2004 at 11:30am, while driving my 2004 Dodge Durango my accelerator got stuck to the floor and wouldn't stop with me pressing the brakes. Finally, it came to a stop once I pressed the emergency brakes and the gauge went all the way to HOT and smoke started coming out of the hood. Luckily, I managed to unfastened my seat belt and get out of the truck in time. My brand new truck was in flames and the whole front exterior and interior was burned. The fire department inspected the vehicle and determined it was a "manufactured defect."

DaimlerChrysler will not take responsibility for this damage, although the fire incident report states the cause of fire was "manufacture defect." I have faxed all supporting documents such as the fire incident report, the recall for the throttle cable (serviced by their service center on 6/10/04) and copies of services done by them to the investigator Mr. Roger Butt of DaimlerChrysler. On December 14, 2004 after the incident, I have received another recall on my 2004 Dodge Durango for the "Reroute Battery Cable," which states may short circuit

**Payment Information**

Have you already paid for the product or service?  Yes  No  Partial

Purchase price: 30000.00 Amount in Dispute: 30000.00

Method of Payment:  Cash  Check  Credit Card  Money Order

What settlement would you consider fair?  
 Provide replacement  Refund  Other (Please explain below)

Explanation/Description: Limit to 750 characters.

Have you contacted any other agency for help in resolving this complaint?  Yes  No.  
 If yes, please provide details in the space below. Thank you.

Before you press the "submit" button, please print a copy of the completed consumer complaint form for your records. If you have supporting documentation regarding your complaint such as receipts, warranties, etc., please mail or fax copies of all documents and a copy of the completed consumer complaint form to:

**NYS Consumer Protection Board  
Attn: Consumer Assistance Unit  
5 Empire State Plaza  
Suite 2101  
Albany, New York 12223-1556**

**Fax: 518-486-3936**

SUBMIT | Reset (reset form)

SECURE CHECK HERE

X

DO NOT WRITE, SIGN / STAMP BELOW THIS LINE

DEPOSITORY BANK ENDORSEMENT

**MUNICIPAL CREDIT UNION**  
**도시농업신협**

This check will not be cashed unless endorsed by both parties.

**Purchaser's Endorsement**

By endorsing this check the payee represents and warrants that (1) he is the owner of the motor vehicle listed below:

Dodge Durango Year 2004

VIN# 1D4H042N47

(2) he represents the holder of the vehicle plus \$3.00 for title. (3) the vehicle will register in the name of the purchaser only (4) the vehicle is titled in favor of the MUNICIPAL CREDIT UNION and no other party.

**Seller's Endorsement**

By \_\_\_\_\_

FOR INFORMATION CONCERNING THIS INSTRUMENT CONTACT:

INTEGRATED PAYMENT SYSTEMS INC.  
1-800-427-7211



# Fire Department of New York

## Incident Report

Report Date: Oct 21 2004 02:34PM

### RESPONSE

Incident Number	1-0217
Incident Date	10/16/2004
Incident Type	131 - Passenger vehicle fire
Alarm Date/Time	10/16/2004 11:39:01
Cleared Date/Time	10/16/2004 12:14:42
Report Closed Date/Time	Oct 16 2004 5:37PM
BFI Case #	N/A
Box #	1518
Administrative Company	E036
Community Board	11
Initial Alarm Level	1 - Box (street or class 3)
Highest Alarm Level	1 - Initial alarm, less than 10-75
Precinct	025
Reported By	Phone
Left in Charge	PD Golden
Hazmat Released	31 - Gasoline < 55 gal.

### LOCATION

Location Type	2 - Intersection
Address	E 128 ST
Borough	Manhattan
State	NY
Property Use	NNN - None

### FIRE

#### **PROPERTY & IGNITION:**

Referred for Investigation	No
Juvenile Involvement	No
Cause of Ignition	3 - Accidental - Equipment or heat source failure
Area of Origin	83 - Engine area, running gear, wheel area
Heat Source	10 - Heat from powered equipment, other
Item First Ignited	00 - Item, Other
Type of Material First Ignited	UU - Undetermined
Condition on Arrival	3 - Flame and smoke showing
Factors Contributing to Ignition	40 - Design/Manufacture/Installation Deficiency, other

**EQUIPMENT INVOLVED IN IGNITION:**

<b>Equipment Involved</b>	<b>No Equipment Involved in Ignition</b>
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**MOBILE PROPERTY INVOLVED IN IGNITION:**

<b>Ignition</b>	3 - Involved in ignition and burned
<b>Type</b>	11 - Passenger car.
<b>Make</b>	CR - Chrysler
<b>Model</b>	Durango
<b>Year</b>	2004
<b>VIN</b>	1D4HB48N14F
<b>Plate Number</b>	CVK 1563
<b>State</b>	NY

**BUILDING****DESCRIPTION & DAMAGE:****DETECTORS:**

<b>Detector Present</b>	No
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**AUTOMATIC EXTINGUISHMENT SYSTEM:**

<b>System Present</b>	No
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**STANDPIPE**

<b>Standpipe Present</b>	No
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**UNIT INFORMATION****UNIT RESPONSIBLE FOR REPORT:**

<b>Member Making Report</b>	906007 DOMENICK T CALERI
<b>Unit</b>	E035

**UNIT NARRATIVE****Incident Narrative**

Incident number 1-0217-10/16/2004

On Saturday, October 16, 2004 at 11:39:01 hours the following units were dispatched to a report of a passenger vehicle fire. The incident location is in front of B 2nd Ave.

Units operated as follows:

E035 arrived at 1146 hours and cleared at 12:08:37 hours

Main use - Suppression

Actions taken - Extinguish

Vehicle driver, Alexandria Olivencia, stated gas pedal stuck, she applied brake which did not stop car, then also applied emergency brake and finally stopped after a little more than 2 blocks. The engine continue racing, then started smoking, followed by active flaming. After the engine extinguished the fire L 14 investigated the gas pedal.

the engine extinguished the fire L 14 investigated the gas pedal.

L014 arrived at hours and cleared at 12:14:42 hours

Main use - Suppression

Actions taken - Salvage & overhaul, Hazardous materials spill control and confinement

On investigation of gas pedal 1.14 found pedal to the floor. Upon lifting pedal off the floor it was found that pedal did not have any spring tension to hold it in the up position.

Reporting Member 906007 DOMENICK T CALERI

Unit Responsible E035.

the engine extinguished the fire L 14 investigated the gas pedal.

LQ14 arrived at hours and cleared at 12:14:42 hours

Main use - Suppression

Actions taken - Salvage & overhaul, Hazardous materials spill control and confinement

On investigation of gas pedal I 14 found pedal to the floor. Upon lifting pedal off the floor it was found that pedal did not have any spring tension to hold it in the up position.

Reporting Member 906007 DOMENICK T CALERI

Unit Responsible E035.

## SAFETY RECALL - THROTTLE CONTROL CABLE

Dear Dodge Durango Owner:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

DaimlerChrysler Corporation has decided that a defect, which relates to motor vehicle safety, exists in some 2004 model year Dodge Durango vehicles.

**The problem is...**

Water may enter into the throttle control cable housing on your vehicle (identified on the enclosed form). If your vehicle is subjected to freezing temperatures, this could cause the throttle to stick in the open position and result in a crash without warning.

**What DaimlerChrysler and your dealer will do...**

DaimlerChrysler will repair your vehicle free of charge (parts and labor). To do this, your dealer will replace the throttle control cable. The work will take about ½ hour to complete. However, additional time may be necessary depending on how dealer appointments are scheduled and processed.

**What you must do to ensure your safety...**

- Simply contact your dealer right away to schedule a service appointment. Ask the dealer to hold the part for your vehicle or to order it before your appointment.
- Bring the enclosed form with you to your dealer. It identifies the required service to the dealer.

**If you need help...**

If you have questions or concerns which your dealer is unable to resolve, please contact DaimlerChrysler at 1-800-853-1403.

If you have already experienced a frozen throttle cable and have paid to have it repaired, you may send your original receipts and/or other adequate proof of payment to the following address for reimbursement: DaimlerChrysler, P.O. Box 610207, Port Huron, MI 48061-0207, Attention: Reimbursement.

If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, or call this toll-free Auto Safety Hotline at 1-888-327-4236.

We're sorry for any inconvenience, but we are sincerely concerned about your safety. Thank you for your attention to this important matter.

Customer Services Field Operations  
DaimlerChrysler Corporation  
D02

**Buckle up  
for Safety**

## DAIMLERCHRYSLER

*Back up  
for Safety!*

4F111246

D40

000006470

NEW YORK, NY

**SAFETY RECALL - REROUTE BATTERY CABLE**

Dear

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act. DaimlerChrysler Corporation has decided that a defect, which relates to motor vehicle safety, exists in some 2004 model year Dodge Durango vehicles.

**The problem is...** The positive battery cable on your Durango (VIN: 1D4HB48N14F ) may short circuit due to contact with the front suspension upper control arm bracket. A short circuit in the positive battery cable can cause an underhood fire.

**What your dealer will do...** DaimlerChrysler will repair your vehicle free of charge (parts and labor). To do this, your dealer will reroute and secure the battery cable. The work will take less than ½ hour to complete. However, additional time may be necessary depending on how dealer appointments are scheduled and processed.

**What you must do to ensure your safety...** Simply contact your dealer right away to schedule a service appointment. Ask the dealer to hold the part for your vehicle or to order it before your appointment. Remember to bring this letter with you to your dealer.

**If you need help...** If you have questions or concerns which your dealer is unable to resolve, please contact DaimlerChrysler at 1-800-853-1403.

Please help us update our records, by filling out the enclosed prepaid postcard, if any of the conditions listed on the card apply to you or your vehicle. Be sure to print the last eight (8) characters of the VIN (4F111246) and notification code D40 on the postcard.

If you have already experienced this condition and have paid to have it repaired, you may send your original receipts and/or other adequate proof of payment to the following address for reimbursement: DaimlerChrysler, P.O. Box 610207, Port Huron, MI 48061-0207, Attention: Reimbursement.

If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, or call the toll-free Auto Safety Hotline at 1-888-327-4236.

We're sorry for any inconvenience, but we are sincerely concerned about your safety. Thank you for your attention to this important matter.

Customer Services Field Operations  
DaimlerChrysler Corporation  
Notification Code D40

*Note to lessees receiving this recall: Federal regulation requires that you forward this recall notice to the lessee within 10 days.*

**DAIMLERCHRYSLER****DaimlerChrysler  
Motors Company LLC**

October 25, 2004

New York, NY

Reference No.: 12744504  
V.I.N.: 1D4HB48N14F

Dear

We have reviewed your recent fire report with deep concern. Needless to say, we sincerely regret the unfortunate fire that occurred.

After our inspection of your vehicle, the information at hand would not permit us to associate the fire with a manufacturing or assembly error. We are sure you will appreciate, fires of this nature can and do occur for a number of reasons not associated with the manufacturing process.

In the absence of any substantiating evidence indicating that the cause of the fire was attributed to a condition existing in the vehicle when it left our manufacturing plant, we find it necessary to deny responsibility in this matter.

Thank you for calling this to our attention.

Sincerely,



R. A. Boll  
Special Investigations  
(248) 944-7056

sh

**Complaint Worksheet**

Staff Assigned **Georgeann Stevenson**

Date Opened **01/09/2005**

Reference # **20050109-170128-Web**

Elapsed Days Open for **2 day(s)**

Status Open	Reference Number: 20050109-170128-Web	External File Number:	
Incident Date: 10/16/2004	Receipt Date: 01/09/2005	Date Closed:	
Description:		Origin:	
Subject:		Subject Code:	
How Received:		How Heard of CRP:	
Case Indicator:		Primary Method Handled:	
Actions To Be Taken:			
<b>Complainant Information</b>			
Last Name:	First Name:	Date of Birth:	Sex:
Address:	City: New York	State: NY	Zip:
County:	Email Address:	Day Time Phone:	Day Ext:
Evening Phone Number:	Fax Number:		
<b>Company Information</b>			
Company Name: DaimlerChrysler	Company Phone: 718-295-8700		
Company Address: 212-19 Northern Blvd	Company City: Bohemia	Company State: NY	Company Zip: 11706
Company County:			
Date(s) you complained to Company:	10/16/2004		
To Whom:	Regional Dealer Service Manager		
Date Purchased:	10/20/04		
Order, Contract, Acct. or Policy:	178546		
Name of Salesperson:	Chris Ferraro		
Consumers Description:	<p>On Oct. 16, 2004 at 11:20am, while driving my 2004 Dodge Durango my accelerator got stuck to the floor and would not stop with me pressing the brakes. Finally it came to a stop and I pressed the emergency brake and the gauge went all the way to 100% and smoke started coming out of the hood. Luckily, I managed to unbuckle my seat belt and get out of the truck in time. My head, rear trunk was in flames and the whole front exterior and interior was burned. The fire department inspected the vehicle and determined it was a "manufactured</p>		

Complainant Associated To:

Olivencia, Alexandrina  
Phone  
Fax  
Address

County

Complained Against:

Phone  
Fax  
Address

County

**Defect:**

DaimlerChrysler will not take responsibility for this damage, although the fire incident report states the cause of fire was "manufacture defect." I have faxed all supporting documents such as the fire incident report, the recall for the throttle cable (serviced by their service center on 8/10/04) and copies of service done by them to the investigator Mr. Roger Bost of DaimlerChrysler. On December 14, 2004 after the incident, I have received another recall on my 2004 Dodge Durango for the "Parade Battery Cable" which states may short circuit due to contact with the hood suspension upper control arm bracket and can cause an underhood fire.

After all supporting documents, DaimlerChrysler still refuses to replace my vehicle.

Your consideration in this matter is greatly appreciated. Thank you.

Have you already paid for the Product or Service?

- Yes  
 No  
 Partial Payment

Purchase Price:

30000.00

Amount in Dispute:

30000.00

Method of Payment:

- Cash  
 Check  
 Credit Card  
 Money Order

What settlement would you consider fair?

- Full Replacement  
 Refund  
 Cash

Requested Settlement:

Have you contacted any other agency for help in resolving this complaint?

- Yes  
 No

Other Agency Details:

Credit History Resolution Service Provided?

- Yes  
 No

Credit History Amount Resolved?

0.00

**Follow-up Entries**

Due Date	Assigned To	Subject

Assigned To  
Georgann Stevenson

Detailed Notification Message

Intermediate Active Status \_\_\_\_\_ Publication Sent \_\_\_\_\_

Resolution \_\_\_\_\_

Thank You Letter Received?  Yes  No Thank You Letter Date \_\_\_\_\_

Mediation Attempted?  No  Successful  Unsuccessful

Referred By \_\_\_\_\_

Referred To: \_\_\_\_\_

**Avoided Cost**

Date	Cost Option	Description	Total(\$)
Total:			0.00

**Disputed Amount**

Date	Cost Option	Description	Total(\$)
Total:			0.00

**Consumer Savings**

Date	Cost Option	Description	Total(\$)
Total:			0.00

Invoice / Order #: 170518  
 Product:  
 Brand: Dodge Durango  
 Model: SLT  
 Keywords 1:  
 Keywords 2:  
 Keywords 3:  
 Logged By:  
 Complaint DOB:  
 Respond Assigned To:

**THE ATTACHMENTS TO THIS  
DOCUMENT HAVE BEEN REMOVED  
TO PROTECT UNWARRANTED  
INVASION OF PERSONAL PRIVACY  
PURSUANT TO EXEMPTION 6 OF  
THE FREEDOM OF INFORMATION  
ACT (FOIA), 5 U.S.C. 552(b)(6).**